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AMENDMENT TO H.R.

OFFERED BY MR. RUSH OR MR. SAWYER

(broadband deployment)

At the end of the bill add the following new section:

1	SEC. 7. ACCELERATED DEPLOYMENT OF BROADBAND
2	SERVICES.
3	Title VII of the Communications Act of 1934 is
4	amended by inserting after section 714 (47 U.S.C. 714)
5	the following new section:
6	SEC. 715. ACCELERATED DEPLOYMENT OF BROADBAND
7	SERVICES.
8	"(a) Broadband Services Plans.—
9	"(1) PLAN REQUIRED.—Within 180 days after
10	the date of enactment of this section, each local ex-
11	change carrier shall submit to the State commission
12	in each State in which such carrier does business a
13	plan to provide broadband telecommunications serv-
14	ice to underserved subscribers in all local exchange
15	areas in which such carrier has telephone exchange
16	service customers, as soon as such broadband tele-
17	communications service is technically feasible. The
18	plan shall include all terms and conditions, including
19	pricing, under which the services shall be provided.

The test of technical feasibility shall be made sepa-



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rately by the local exchange carrier for each local exchange, and the plan shall be considered certified 45 days after submission, unless the State commission rejects the plan within such 45 days. Upon rejection of a plan, successive plans shall be submitted until approval is obtained.

"(2) IMPLEMENTATION; SUNSET.—The plan shall be implemented within 180 days of the certification of the plan in each local exchange in which the provision of the service is technically feasible. Upon certification of its plan, the carrier shall be obligated by terms of the plan (including any modifications that it requests that are thereafter certified), but shall otherwise provide such services free of Federal and State price, rate, rate of return, and profit regulation. Upon a determination by the State commission that a local exchange is served by another provider of broadband telecommunications services, or any broadband Internet access transport provider, or upon a determination by such State commission that the local exchange carrier makes broadband telecommunications services available to 70 percent of the access lines in an exchange, a local exchange carrier shall no longer be obligated by the terms of any such plan in such local exchange.

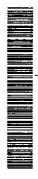


1	"(3) STATE MODIFICATIONS PROHIBITED.—Ex-
2	cept upon request of the carrier, the State commis-
3	sion shall have no authority to modify any plan sub-
4	mitted pursuant to paragraph (1).
5	"(4) No commission authority.—Except as
6	provided in subsection (b)(2), the Commission shall
7	have no authority with respect to the terms of any
8	plan submitted pursuant to paragraph (1) of this
9	subsection and shall have no authority with respect
10	to the approval or rejection of any such plan.
11	"(b) Definitions.—
12	"(1) Underserved subscriber.—
13	"(A) IN GENERAL.—The term 'under-
14	served subscriber' means a residential sub-
15	scriber residing in a dwelling located in an un-
16	derserved area or a rural area, or nonresidential
17	subscriber maintaining a permanent place of
18	business located in an underserved area or a
19	rural area.
20	"(B) UNDERSERVED AREA.—The term
21	'underserved area' means any census tract—
22	"(i) the poverty level of which is at
23	least 30 percent (based on the most recent
24	census data); or



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1	"(ii) the median family income of
2	which does not exceed—
3	"(I) in the case of a census tract
4	located in a metropolitan statistical
5	area, 70 percent of the greater of the
6	metropolitan area median family in-
7	come or the statewide median family
8	income; and
9	"(II) in the case of a census tract
10	located in a nonmetropolitan statis-
11	tical area, 70 percent of the non-
12	metropolitan statewide median family
13	income.
14	"(C) RURAL AREA.—The term rural area"
15	means any census tract which—
16	"(i) is not within 10 miles of any in-
17	corporated or census designated place con-
18	taining more than 25,000 people; and
19	"(ii) is not within a county or county
20	equivalent which has an overall population
21	density of more than 500 people per
22	square mile of land.
23	"(2) DESIGNATION OF CENSUS TRACTS.—The
24	Commission shall, not later than 90 days after the
25	date of the enactment of this section, designate and



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- 1 publish those census tracts meeting the criteria de-
- 2 scribed in paragraph (1)(B) or (1)(C).

